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Gen-Probe Incorporated  
13

14 UNITED STATES DISTRICT COURT

15 SOUTHERN DISTRICT OF CALIFORNIA

16  
17 GEN-PROBE INCORPORATED,

18 Plaintiff,

19 v.

20 VYSIS, INC.,

21 Defendant.

No. 99cv2668 H (AJB)

**PROOF OF SERVICE**

No. 99cv2668 H (AJB)

**PROOF OF SERVICE**  
**(FRCP 5)**

I am a citizen of the United States and a resident of the State of California. I am employed in San Diego, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years, and not a party to the within action. My business address is 4365 Executive Drive, Suite 1100, San Diego, California 92121-2128. On the date set forth below I served the documents described below in the manner described below:

1. NOTICE OF MOTION AND MOTION OF GEN-PROBE INCORPORATED FOR PARTIAL SUMMARY JUDGMENT;
2. MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF GEN-PROBE INCORPORATED'S MOTION FOR PARTIAL SUMMARY JUDGMENT;
3. SEPARATE STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF PLAINTIFF GEN-PROBE INCORPORATED'S MOTION FOR PARTIAL SUMMARY JUDGMENT;
4. DECLARATION OF R. WILLIAM BOWEN IN SUPPORT OF GEN-PROBE'S MOTION FOR PARTIAL SUMMARY JUDGMENT
5. DECLARATION OF DR. JOSEPH D. FALKINHAM IN SUPPORT OF GEN-PROBE'S MOTION FOR PARTIAL SUMMARY JUDGMENT
6. DECLARATION OF DR. MATTHEW LONGIARU IN SUPPORT OF GEN-PROBE'S MOTION FOR PARTIAL SUMMARY JUDGMENT
7. STIPULATION AND [PROPOSED] ORDER ALLOWING GEN-PROBE INCORPORATED TO FILE UNDER SEAL CERTAIN DOCUMENTS UPON WHICH IT RELIES TO SUPPORT ITS MOTION FOR PARTIAL SUMMARY JUDGMENT
8. NOTICE OF LODGMENT IN SUPPORT OF PLAINTIFF GEN-PROBE INCORPORATED'S MOTION FOR PARTIAL SUMMARY JUDGMENT

(BY U.S. MAIL) I am personally and readily familiar with the business practice of Cooley Godward llp for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at Palo Alto, California.

(BY MESSENGER SERVICE) by consigning the document(s) to an authorized courier and/or process server for hand delivery on this date. See attached Proof of Personal Service.

(BY FACSIMILE) I am personally and readily familiar with the business practice

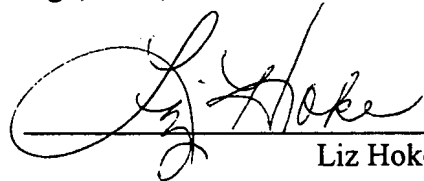
1 of Cooley Godward llp for collection and processing of document(s) to be  
2 transmitted by facsimile and I caused such document(s) on this date to be  
3 transmitted by facsimile to the offices of addressee(s) at the numbers listed below.

4  (BY OVERNIGHT MAIL) I am personally and readily familiar with the business  
5 practice of Cooley Godward llp for collection and processing of correspondence for  
6 overnight delivery, and I caused such document(s) described herein to be deposited  
7 for delivery to a facility regularly maintained by Federal Express for overnight  
8 delivery.

9 on the following part(ies) in this action:

10 Thomas W. Banks Esq.  
11 Finnegan, Henderson, Farabow, et al.  
12 700 Hansen Way  
13 Palo Alto, CA 94304  
14 Tel: (650) 849-6600  
15 Fax: (650) 849-6666  
16 **Attorneys for Vysis, Inc.**  
17 **VIA FACSIMILE AND MAIL**

18 Executed on April 30, 2001, at San Diego, California.

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28  
  
Liz Hoke

**PROOF OF PERSONAL SERVICE**

I hereby declare:

I am employed in the City of San Diego, County of San Diego, California; I am over the age of eighteen years and not a party to the within cause; my business address is Knox Attorney Service, 2250 Fourth Avenue, San Diego, California 92103.

On April 30, 2001, I served the within document(s):

1. NOTICE OF MOTION AND MOTION OF GEN-PROBE INCORPORATED FOR PARTIAL SUMMARY JUDGMENT;
2. MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF GEN-PROBE INCORPORATED'S MOTION FOR PARTIAL SUMMARY JUDGMENT;
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8. NOTICE OF LODGMENT IN SUPPORT OF PLAINTIFF GEN-PROBE INCORPORATED'S MOTION FOR PARTIAL SUMMARY JUDGMENT

on the interested parties in this action by personally hand delivering a copy of said document(s) to the address(es) listed below:

John H. L'Estrange, Jr. Esq.  
Wright and L'Estrange  
701 B Street, Suite 1550  
San Diego, CA 92101  
Tel: (619) 231-4844  
Fax: (619) 231-6710  
Attorneys for Vysis, Inc.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on April 30, 2001.

SIGNATURE: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

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